

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Naofumi NAKAMURA et al.  
Serial No.: 10/752,642  
For: SEMICONDUCTOR DEVICE AND METHOD OF FABRICATING THE SAME  
Filed: January 7, 2004  
Examiner: Chris C. Chu  
Art Unit: 2815  
Conf. No.: 4109

745 Fifth Avenue, New York, NY 10151

**FILED VIA EFS-WEB**  
**ON OCTOBER 6, 2008**

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD**  
**UNDER 37 C.F.R. § 41.31 SUBMITTED WITH APPLICANT'S**  
**"PRE-APPEAL BRIEF REQUEST FOR REVIEW"**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's decision in the Final Office Action mailed June 6, 2008, finally rejecting claims 1-3, 11 and 12 and objecting to claim 4. This Notice of Appeal is submitted in accordance with 37 C.F.R. § 41.31 and is accompanied by the requisite fee of \$540.00 as set forth in 37 C.F.R. § 41.20. Filed concurrently with this Notice of Appeal is Applicants' separate paper entitled, "Pre Appeal Brief Request for Review."

Please charge any additional fees required for the Notice of Appeal or otherwise  
occasioned by this paper or credit any overpayments to Deposit Account No. 50-0320.

Respectfully submitted,  
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